

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Michel Ridgely,	)	
Plaintiff,	)	
	)	Civil Action 5-1033 (GK)
v.	)	
	)	
Elaine Chao,	)	
Defendant	)	

**DECLARATION OF ANGELICA HACKNEY**

I, Angelica Hackney, do hereby declare and state under the penalty of perjury:

1. I am over eighteen years of age. I am the Human Resources Officer, Mine Safety and Health Administration, and I am the Official Records Custodian for the National Office Mine Safety and Health Administration, from which I have knowledge regarding the matters set forth herein.
2. Michel Ridgely has been employed with the Mine Safety and Health Administration, and its predecessor organization, Bureau of Mines, since August 25, 1971.
3. Mr. Ridgely's Official Personnel File is maintained in Arlington, Virginia, in the Human Resources Division of the National office of the Mine Safety and Health Administration.
4. In August 1994, Mr. Ridgely held the position of Management Analyst, GS-9; this was the full performance level for this position. In August 1994, the Management Analyst position held by Mr. Ridgely was reevaluated. This evaluation resulted in a classification change to a higher grade to the position of Printing Specialist, GS-11, due to additional duties and responsibilities. The GS-11 level was the full performance level for the Printing Specialist

position; there was no additional non-competitive promotion potential.. Both positions were located in the Office of the Director of Administration and Management, Division of Management Services, Branch of Records Management.

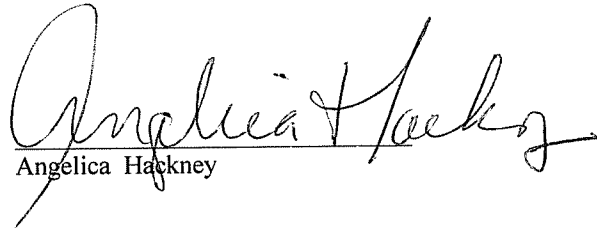
5. On January 31, 1999, Mr. Ridgely was reassigned from a Printing Specialist to a Supply Management Officer, with no change in grade. This was a supervisory position. The journeyman level for this position was GS-11. To receive a promotion to the GS-12 grade level, Mr. Ridgely would have had to apply and compete for the GS-12 position, unless excepted by circumstances as described in 5 CFR 335.103( c)(2) or 5 CFR 335.103 (c)(3) and the DOL Merit Staffing Plan (DPR Chapter 335. Promotion and Internal Placement Plan.). This position also was located in the Office of the Director of Administration and Management, Division of Management Services, Branch of Records Management.

6. On July 30, 2000, Mr. Ridgely was competitively selected for the position of Civil Penalty Compliance Specialist, GS-11, in the Office of Assessments. This position was classified with a full performance level of GS-12; thus, it had promotion potential to the GS-12 grade level.

7. On July 24, 2003, Mr. Ridgely was retroactively promoted to GS-12, Step 3, effective June 30, 2002. As a result of this promotion, Mr. Ridgely received back pay from June 30, 2002 to June 29, 2003.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

November 18, 2005

  
Angelica Hackney

NOV-18-2005 14:02 FROM:MSHA

2026939856

TO: 2025146781

Ex Hla

Standard Form 50-B  
Rev. 7/91  
U.S. Office of Personnel Management  
FPM Supp. 296-33, Subch. 4

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>RIDGELEY JR MICHEL A</b>				2. Social Security Number [REDACTED]				3. Date of Birth [REDACTED]				4. Effective Date <b>08-21-94</b>											
<b>FIRST ACTION</b>								<b>SECOND ACTION</b>															
5-A. Code <b>702</b>				5-B. Nature of Action <b>PROMOTION</b>				6-A. Code				6-B. Nature of Action											
5-C. Code <b>N7M</b>				5-D. Legal Authority <b>REG 335.102 RECLASS</b>				6-C. Code				6-D. Legal Authority											
5-E. Code				5-F. Legal Authority				6-E. Code				6-F. Legal Authority											
7. FROM: Position Title and Number <b>MANAGEMENT ANALYST</b> <b>VP09083001</b>								15. TO: Position Title and Number <b>PRINTING SPECIALIST</b> <b>VP94058000</b>															
8. Pay Plan <b>GS</b>		9. Occ. Code <b>0343</b>		10. Grade/Level <b>09</b>		11. Step/Rate <b>07</b>		12. Total Salary <b>\$34,755.00</b>		13. Pay Basis <b>PA</b>		16. Pay Plan <b>GS</b>		17. Occ. Code <b>1634</b>		18. Grade/Level <b>11</b>		19. Step/Rate <b>03</b>		20. Total Salary/Award <b>\$37,362.00</b>		21. Pay Basis <b>PA</b>	
12A. Basic Pay <b>\$33,345</b>		12B. Locality Adj. <b>\$ 1410</b>		12C. Adj. Basic Pay <b>\$34,755</b>		12D. Other Pay <b>\$ 0</b>		20A. Basic Pay <b>\$35,865</b>		20B. Locality Adj. <b>\$ 1517</b>		20C. Adj. Basic Pay <b>\$37,382</b>		20D. Other Pay <b>\$ 0</b>									
14. Name and Location of Position's Organization <b>MINE SAFETY AND HEALTH ADMINISTRATION, OFC OF DIRECTOR OF ADMIN &amp; MANAGEMENT, DIVISION OF MANAGEMENT SERVICES, BRANCH OF RECORDS MANAGEMENT, ARLINGTON, VIRGINIA</b>												22. Name and Location of Position's Organization <b>MINE SAFETY AND HEALTH ADMINISTRATION, OFC OF DIRECTOR OF ADMIN &amp; MANAGEMENT, DIVISION OF MANAGEMENT SERVICES, BRANCH OF RECORDS MANAGEMENT, ARLINGTON, VIRGINIA</b>											
<b>EMPLOYEE DATA</b>												<b>POSITION DATA</b>											
23. Veterans Preference 1 - None 2 - 5 Point 3 - 10 Point/Disability 4 - 10 Point/Compensable 5 - 10 Point/Other 6 - 10 Point/Compensable/30%												24. Tenure 1 - None 2 - Conditional 3 - Indefinite 4 - Permanent											
27. FEGLI <b>C</b>												28. Annuitant Indicator <b>NOT APPLICABLE</b>											
30. Retirement Plan <b>1 CSRS</b>												31. Service Comp. Date (Leave) <b>08-25-71</b>											
34. Position Occupied 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved												35. FLSA Category <b>E</b> E - Exempt N - Nonexempt											
36. Duty Station Code <b>51-0100-013</b>												37. Bargaining Unit Status <b>0010</b>											
40. AGENCY DATA												41.											
42.												43.											
44.												45. Remarks											

POSITION IS AT THE FULL PERFORMANCE LEVEL.  
RESULT OF ADDITIONAL DUTIES AND RESPONSIBILITIES.  
THIS POSITION IS INSIDE THE BARGAINING UNIT LOCAL-12.  
MERIT STAFFING EXCEPTION.

46. Employing Department or Agency  
**DEPARTMENT OF LABOR**

50. Signature/Authentication and Title of Approving Official

47. Agency Code  
**DLMS**

48. Personnel Office ID  
**4155**

49. Approval Date  
**08-31-94**

**JOSEPH K. KIRKER, JR.**  
**PERSONNEL OFFICER**

5-Part 50-318

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**EX H11**

**CERTIFICATION FOR PROMOTION  
AS EXCEPTION TO COMPETITIVE PROCEDURES**

SUBJECT: MATERIAL MODIFICATION

References: (a) FPM 335  
(b) DLS Appx. A to FPM 335, Subch. A2-2  
(c) DLS Subch. 1, FPM Chap. 511  
(d) DLS Subch. 5, FPM Chap. 511

1. Position description number VP 09083 encumbered by Michael A. Ridgale has been redescribed and reevaluated. This evaluation has resulted in a classification change to a higher grade as a result of additional duties and responsibilities.

From: VP 09083  
PD Number

Management Analyst, GS-343-09  
Title, Series, Grade

Direct. of A-5/1  
Management Services Div  
Records Management B1

Organizational Location

To: VP 94058  
PD Number

Printing Specialist, GS-1654-11  
Title, Series, Grade

(SAME AS ABOVE)

Organizational Location

2. Non-competitive promotion of the incumbent may be effected in accordance with references (a) and (b). The requirements established by references (c) and (d) are met as follows:

(X) The employee continues to perform the same basic function of the former position (as reflected in the employee's official position of record) and the former position is administratively absorbed into the new one.

(X) This action is not the result of planned management action.

Michael Ridgale  
Personnel Management Specialist

8/19/94  
Date

Robert E. Plt  
Supervisor

8/19/94  
Date

[ Qualification requirements must be met prior to promotion ]

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PD File

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NOV-18-2005 14:03 FROM:MSHA

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TO:2025148781

P.47

Ex H2

Standard Form 50-B

Rev 7/01

U.S. Office of Personnel Management

FPM Supp. 295-33, Subch. a

1. Name (Last, First, Middle)

RIDGELY JR MICHEL A

## NOTIFICATION OF PERSONNEL ACTION

2. Social Security Number

3. Date of Birth

4. Effective Date  
01-31-99

## FIRST ACTION

## SECOND ACTION

6-A. Code

5-B. Nature of Action

REASSIGNMENT

6-A. Code

6-B. Nature of Action

6-C. Code

6-D. Legal Authority

REG 335.102

6-C. Code

6-D. Legal Authority

6-E. Code

6-F. Legal Authority

6-E. Code

6-F. Legal Authority

7. FROM: Position Title and Number  
PRINTING SPECIALIST

VP94058000

15. TO: Position Title and Number  
SUPPLY MANAGEMENT OFFICER

VP99049000

8. Pay Plan	9. Occ. Code	10. Grade/Level	11. Step/Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade/Level	19. Step/Rate	20. Total Salary/Award	21. Pay Basis
GS	1654	11	05	\$46,142.00	PA	GS	2003	11	05	\$46,142.00	PA
12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay				
\$42,776	\$ 3366	\$46,142	\$ 0	\$42,776	\$ 3366	\$46,142	\$ 0				

14. Name and Location of Position's Organization

MINE SAFETY AND HEALTH ADMINISTRATION,  
OFC OF DIRECTOR OF ADMIN & MANAGEMENT,  
DIVISION OF MANAGEMENT SERVICES,  
FACILITIES & PROP MGMT GROUP, ARL  
ARLINGTON, VIRGINIA

22. Name and Location of Position's Organization

MINE SAFETY AND HEALTH ADMINISTRATION,  
OFC OF DIRECTOR OF ADMIN & MANAGEMENT,  
DIVISION OF MANAGEMENT SERVICES,  
FACILITIES & PROP MGMT GROUP, ARL  
ARLINGTON, VIRGINIA

## EMPLOYEE DATA

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 - None 2 - 5 Point 3 - 10 Point/Disability 4 - 10 Point/Compensable 5 - 10 Point/Other 6 - 10 Point/Compensable/30%	0 - None 1 - Permanent 2 - Conditional 3 - Indefinite		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant	
BASIC LIFE ONLY	NOT APPLICABLE		
30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part-Time Hours Per Biweekly Pay Period
CSRS	08-25-71	FULL TIME	

## POSITION DATA

34. Position Occupied	35. FLBA Category	36. Appropriation Code	37. Bargaining Unit Status
1 - Compulsive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved	E - Exempt N - Nonexempt	R056-9-9-Q346- 00000-1101-000	8888
38. Duty Station Code	39. Duty Station (City - County - State or Overseas Location)		
51-0100-013	ARLINGTON VIRGINIA		

40. AGENCY DATA	41.	42.	43.	44.
-----------------	-----	-----	-----	-----

45. Remarks

THIS POSITION IS OUTSIDE THE BARGAINING UNIT.  
POSITION IS AT THE FULL PERFORMANCE LEVEL.  
MERIT STAFFING EXCEPTION.

Department of Agency

RTMENT OF LABOR

50. Signature/Authentication and Title of Approving Official

LYNNETTE M. HAYWOOD

PERSONNEL OFFICER

5

48. Personnel Office ID

4155

49. Approval Date

02-04-99

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P. 6/8

Ex H3

Standard Form 50

Rev 7/91

U.S. Office of Personnel Management

Guide to Processing Personnel Actions, Chapter 4

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) Ridgely Jr, Michel A				7. Social Security Number [REDACTED]				3. Date of Birth [REDACTED]				4. Effective Date 07-30-2000																							
<b>FIRST ACTION</b>												<b>SECOND ACTION</b>																							
5-A. Code 721				5-B. Nature of Action Reassignment								6-A. Code				6-B. Nature of Action																			
5-C. Code N3M				5-D. Legal Authority Reg 335.102 Comp								6-C. Code				6-D. Legal Authority																			
5-E. Code				5-F. Legal Authority								6-E. Code				6-F. Legal Authority																			
7. FROM: Position Title and Number SUPPLY MANAGEMENT OFFICER PD: 002309												15. TO: Position Title and Number CIVIL PENALTY COMPLIANCE SPECIALIST PD: 002169																							
Position: P9904900												Position: P9701700																							
8. Pay Plan		9. Occ. Code		10. Grade or Lvl		11. Step or Rate		12. Total Salary				13. Pay Basis		16. Pay Plan		17. Occ. Code		18. Grade or Lvl		19. Step or Rate		20. Total Salary/Award				21. Pay Basis									
GS		2003		11		06		\$49,845.00				PA		GS		1801		11		06		\$49,845.00				PA									
12A. Basic Pay				12B. Locality Adj.				12C. Adj. Basic Pay				12D. Other Pay				20A. Basic Pay				20B. Locality Adj.				20C. Adj. Basic Pay				20D. Other Pay							
\$45,708.00				\$4,137.00				\$49,845.00				\$0				\$45,708.00				\$4,137.00				\$49,845.00				\$0							
14. Name and Location of Position's Organization Mine Safety and Health Administration OFC OF DIRECTOR OF ADMIN & MGMT DIVISION OF MANAGEMENT SERVICES MSHA.A&M, FACIL. & PROPERTY MGT BR. FACILITIES & PROP MGMT GROUP-ARL												22. Name and Location of Position's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ASSESSMENTS ASSESSMENTS-CIVIL PEN.&COMPLI.OFF. ASSESSMENTS-CIV.PEN-COLLECTIONS GS																							
<b>EMPLOYEE DATA</b>												<b>POSITION DATA</b>																							
23. Veterans Preference				24. Tenure				25. Agency Use				26. Veterans Preference for RIF				27. FEGLI				28. Annuitant Indicator				29. Pay Rate Determinant											
1 1-None 2-5 Point				3-10 Point/Disability 4-10 Point/Compensable				5-10 Point/Other 6-10 Point/Compensable/30%				1 0-None 1-Permanent 2-Conditional 3-Indefinite				YES X NO				C0 Basic Only				9 Not Applicable				0							
30. Retirement Plan				31. Service Comp. Date (Leave)				32. Work Schedule				33. Part/Time Hour For Biweekly Pay Period				1 CSRS				08-25-1971				F Full Time											
<b>POSITION DATA</b>												<b>POSITION DATA</b>																							
34. Position Occupied				35. FLSA Category				36. Appropriation Code				37. Bargaining Unit Status				1 1-Competitive Service 2-Excepted Service				3-SES General 4-SES Career Reserved				N N-Exempt N-Nonexempt				R072Q3AX000001101000				0010			
38. Duty Station Code				39. Duty Station				40. Agency Data				41.				42.				43.				44.											
510100013				ARLINGTON Arlington VA USA																				PAR Number: ASMT-0046											
45. Remarks - Merit Staffing Selection. - This position is inside the bargaining unit - Local 12. - Selected from MSHA-00-87 dated 06-12-2000. - Full performance level of employee's position is GS-12.																																			
46. Employing Department or Agency Department of Labor																																			
47. Agency Code DLMS				48. Personnel Office ID 4155				49. Approval Date 08-01-2000				James M Cheskovich Personnel Officer																							

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Standard Form 50

Rev 7/91

U.S. Office of Personnel Management  
Guide to Processing Personnel Actions Chapter 4

## NOTIFICATION OF PERSONNEL ACTION

1 Name (Last, First, Middle) Ridgely Jr, Michel A				2 Social Security Number [REDACTED]		3 Date of Birth [REDACTED]		4 Effective Date 06-30-2002	
<b>FIRST ACTION</b>					<b>SECOND ACTION</b>				
5-A Code 702		5-B Nature of Action Promotion			6-A Code		6-B Nature of Action		
5-C Code NGM		5-D Legal Authority Reg 335.102 Career Prom			6-C Code		6-D Legal Authority		
5-E Code		5-F Legal Authority			6-E Code		6-F Legal Authority		
7 FROM: Position Title and Number CIVIL PENALTY COMPLIANCE SPECIALIST Job Code (PD): LL0017					15 TO: Position Title and Number CIVIL PENALTY COMPLIANCE SPECIALIST Job Code (PD): LL0012				
8 Pay Plan GS		9 Org Code 1801		10 Grade or Lvl 11		11 Step or Rate 07		12 Total Salary \$55,760.00	
13 Pay Basis PA		14 Basic Pay \$50,018.00		15 Locality Adj \$5,742.00		16 Adj Basic Pay \$55,760.00		17 Other Pay \$0	
16 Pay Plan GS		17 Org Code 1801		18 Grade or Lvl 12		19 Step or Rate 03		20 Total Salary/ Award \$59,407.00	
21 Pay Basis PA		22 Basic Pay \$53,289.00		23 Locality Adj \$6,118.00		24 Adj Basic Pay \$59,407.00		25 Other Pay \$0	
21 Name and Location of Position's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ASSESSMENTS CIVIL PENALTY COMPLIANCE OFFICE ASSESSMENTS-CIV. PEN-COLLECTIONS GP					22 Name and Location of Position's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ASSESSMENTS CIVIL PENALTY COMPLIANCE OFFICE ASSESSMENTS-CIV. PEN-COLLECTIONS GP				
<b>EMPLOYEE DATA</b>									
23 Veterans Preference 1 None 2 5 Point				3-10 Point/Disability 4-10 Point/Compensable		5-10 Point/Other 6-10 Point/Compensable/30%		24 Tenure 1 None 2-Conditional 3-Indefinite	
25 Agency Use				26 Veterans Preference for RIF YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		27 FRGLI C0 Basic Only		28 Annuitant Indicator 9 Not Applicable	
29 Pay Rate Determinant 0				30 Retirement Plan 1 CSRS		31 Service Comp. Date (Leave) 08-25-1971		32 Work Schedule F Full Time	
33 Part-Time Hours Per Biweekly Pay Period									
<b>POSITION DATA</b>									
34 Position Occupied 1 1-Competitive Service 2-Excepted Service				3-SES General 4-SES Career Reserved		35 FLSA Category E B-Exempt N-Nonexempt		36 Appropriation Code R072Q3AX000001101000	
37 Bargaining Unit Status 0010				38 Duty Station Code 510100013					
39 Duty Station (City-County-State or Overseas Location) ARLINGTON Arlington VA USA									
40 Agency Data 41		42		43		44 PAR Number:			
45 Remarks <ul style="list-style-type: none"> <li>- Retroactive adjustment due</li> <li>- Merit Staffing Exception - Career Ladder Promotion.</li> <li>- This position is inside the bargaining unit - Local 12</li> <li>- This notification of personnel action replaces a previously executed one.</li> <li>- Entitled to back pay under 5 U.S.C. 5596.</li> <li>- Position is at the full performance level.</li> </ul>									
46 Employing Department or Agency U.S. Department of Labor					50 Signature/Authentication and Title of Approving Official Joseph H Swimmer HUMAN RESOURCES OFFICER				
47 Agency Code DLMS		48 Personnel Office ID 4155		49 Approval Date 07-24-2003					

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